

**IN THE UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA,

Plaintiff,

v.

CIVIL NO. 11-416 WPL/CG

MARK HOPKINS; SHARON HOPKINS;  
HOUSE OF ROYALE, INC.; SHALOM  
ENTERPRISES, INC.; VICKI L. ASHCRAFT and  
SUSAN G. SHADIX as trustees for GRACE  
TRUST; ADVANCED ELECTRONICS; STATE  
OF NEW MEXICO REVENUE DEPARTMENT  
BAYVIEW LOAN SERVICING, LLC.

Defendants.

**ORDER TO SHOW CAUSE**

**THIS MATTER** is before the Court, *sua sponte*. FED. R. Civ. P. 4(m) provides:

If a service of the summons and complaint is not made upon a defendant within 120 days after the filing of the complaint, the court, upon motion or on its own initiative after notice to the plaintiff, shall dismiss the action without prejudice as to that defendant or direct that service be effected within a specified time . . .

Plaintiff filed its complaint on May 13, 2011. More than 120 days have passed since then and two defendants - Vicki Ashcraft and Susan Chadix - have not been served. Plaintiff issued summonses to Defendants Ashcraft and Chadix on May 16, 2011, but neither Defendant responded to the summonses and there is no indication in the record that Plaintiff has made any effort to effect personal service since then. In addition, Defendants Shalom Enterprises, Inc., and House of Royale, Inc., executed waivers of service on May 17, 2011, making their answers due by June 7, 2011. (Doc. 5; Doc. 6). To date, neither Defendant has filed an answer and Plaintiff has taken no action with regard to either

Defendant.

The inherent power of the Court to dismiss for lack of prosecution is well-established. See *AdvantEdge Bus. Grp. v. Thomas E. Mestmaker & Assocs.*, 552 F.3d 1233, 1236 (10th Cir. 2009). Therefore, pursuant to FED. R. CIV. P. 41(b), Plaintiff is ordered to show cause within fourteen (14) days of the date of this notice why this case should not be dismissed without prejudice for failure to prosecute as to Defendants Ashcraft, Shadix, Shalom Enterprises, Inc., and House of Royale, Inc. Plaintiff is advised that the Court will recommend dismissing the four Defendants after thirty (30) days unless good cause is shown for their continued participation in the case.



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THE HONORABLE CARMEN E. GARZA  
UNITED STATES MAGISTRATE JUDGE